

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILLIP SILVAGNI,
Plaintiff

v.

CAROLYN W. COLVIN,
Commissioner of the
Social Security Administration,
Defendant

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No. 1:15-cv-00813

(Judge Kane)

(Magistrate Judge Schwab)

ORDER

Before the Court in the above-captioned action is the September 12, 2016 Report and Recommendation of Magistrate Judge Schwab. (Doc. No. 9.) On September 29, 2016, Defendant filed a letter waiving the opportunity to object to the Report and Recommendation. (Doc. No. 10.) Accordingly, this 30th day of September, 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 9) of Magistrate Judge Schwab;
2. The decision of the Commissioner is **VACATED**, and Plaintiff Phillip Silvagni's claim is **REMANDED** to the Commissioner for a new administrative hearing pursuant to sentence four of 42 U.S.C. §405(g);
3. The Clerk of Court is directed to enter judgment is favor of Plaintiff Phillip Silvagni and against the Commissioner; and
4. The Clerk of Court is directed to close the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania